

Appeals v. Feldman, 460 U.S. 462 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923).

C. Claims under 42 U.S.C. § 1983 against Philip Iannucci and Denise Green

In order to bring suit under 42 U.S.C. § 1983, plaintiff must allege that a person acting under color of state law deprived him of his constitutional rights. West v. Atkins, 487 U.S. 42 (1988). There are no allegations in the complaint that would allow this Court to find that Philip Iannucci and Denise Green are state actors. Although plaintiff alleges that these defendants were involved in a conspiracy with state actors, these bald assertions are insufficient to support a conspiracy based claim against these defendants in this action. See Young v. Kann, 926 F.2d 1396, 1405 n.16 (3d Cir. 1991) (conspiracy claims may be dismissed as legally frivolous where claims are not based on fact, but rather on plaintiff's suspicion and speculation).

D. Claims under 42 U.S.C. §§ 1981 and 1985

Plaintiff is also attempting to bring claims under 42 U.S.C. §§ 1981 and 1985. There are no allegations in the complaint that would support a finding that the defendants' actions were motivated by racial or class-based animus or that there has been an interference with federal officials or federal court proceedings which is necessary to bring an action under 42 U.S.C. §§ 1981 and 1985. See Rivers v. Roadway Exp., Inc., 511 U.S. 298 (1994); Bray v. Alexandria Women's Health Clinic, 506 U.S. 263 (1993); Kush v. Rutledge, 460 U.S. 719, 724-25 (1983);

Griffin v. Breckenridge, 403 U.S. 88, 102 (1971); Brawer v. Horowitz, 535 F.2d 830, 840 (3d Cir. 1976). Therefore, these claims will be dismissed.